

REMARKS

Applicants respectfully request reconsideration in view of the comments below. Claims 1-52 are pending in this application and were rejected in the final Office Action mailed 10 August 2005 (the "Office Action").

Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 1-52 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent. No. 6,505,243 to Lortz ("Lortz") in view of U.S. Patent No. 5,594,663 to Messaros et al. ("Messaros"). The Applicants respectfully disagree. Applicants believe that the Examiner has failed to make a *prima facie* case for obviousness because the combination of Lortz and Messaros does not teach or suggest all elements recited in the independent claims. In addition, Applicants believe that the Examiner has failed to make a *prima facie* case for obviousness because there is no extrinsic or intrinsic motivation to combine these two references.

First, with reference to independent claim 1 and dependent claims 2-15, the combination of Lortz and Messaros does not teach or suggest downloading an interactive support service application, which is associated with a selected device, from a selected server computing system, nor does this combination disclose or suggest executing the downloaded interactive support service application at a gateway device to provide a remote interactive support service process for a selected device.

Lortz teaches only providing help information to a network-attached device. Lortz discloses that a connection notification for a network attachable device is received over a first data path. Device specific help information is retrieved for the network attachable device over a second data path. The help information is then provided to a configuration interface. This downloaded help information is not the same as the "interactive support service application"

recited in claim 1. And, the Examiner appears to agree that Lortz does not teach or suggest downloading or executing an interactive support service application to provide a remote interactive support service process for a selected device. (See Office Action, at page 3) Furthermore, since Lortz does not disclose or suggest downloading claim 1's "interactive support service application", he certainly does not disclose or suggest claim 1's further limitation of "executing ... [the] application at ... [a] gateway device to provide a remote interactive support service process for ... [a] selected device". Messaros does not teach these missing claim elements.

Messaros teaches only a remote diagnostic tool. The diagnostic tool is coupled to an instrument from a remote location. The tool is used for inspecting instrument variables, parameters, and setpoints. The tool is also used for performance testing and for managing information resources necessary to repair the instrument, so as to provide fast and accurate diagnosis of problems and faults within the instrument. See Messaros, col. 1, lines 62-67. Messaros teaches that access to the instrument is provided through a computer that executes instrument control software so as to perform diagnosis and repair of the instrument. See Messaros, col. 2, lines 1-3. But Messaros's "instrument" is a stand-alone device, not part of a network of devices. In contrast, Applicants' claimed "electronic device" is part of a home network of devices. Therefore, Messaros does not teach providing interactive support services for a home-networked device, as recited in claim 1. Further, Messaros does not teach on-line or Internet access to the instrument. Messaros teaches only that the computer may be coupled to the instrument over standard telephone lines from a remote location or directly from an on-site location. See Messaros, col. 2, lines 18-21. Still further, the Examiner quotes a section in which Messaros discloses that a computer defines "commands required to obtain the desired information from the instrument". See Office Action, at page 3. But this action is not "interactive" as recited in Applicants' claim because it only constructs commands by referencing definition files.

Accordingly, independent claim 1 is patentable over the combination of Lortz and Messaros. Dependent claims 2-15 are likewise patentable over these two references for at least the same reasons. For instance, neither Lortz nor Messaros hint at a “remote interactive manual” for “providing educational instructions to a home network system user” as recited in claim 2. Nor do these references suggest “a remote interactive maintenance process for instructing a home network system user in solving maintenance problems” as recited in claim 3.

Second, with reference to independent claim 16 and dependent claims 17-24, the combination of Lortz and Messaros does not teach or suggest downloading an interactive support service application associated with a selected device, nor does the combination teach or suggest a service manager supported by the platform and that is operative to form a uniform resource locator based on a device identification.

Independent claim 16 recites that an interactive support service application is downloaded, and that the downloaded application is associated with a selected device in a network of devices. As discussed above, neither Lortz nor Messaros disclose or suggest this claim limitation. Accordingly, independent claim 16 is patentable over the combination of these two references. Dependent claims 17-24 are likewise patentable over these two references for at least the same reasons.

Third, with reference to independent claim 25 and dependent claims 26-38, the combination of Lortz and Messaros does not teach or suggest providing a selected interactive support service application associated with a particular device to a client computing system, nor that the application includes instructions that are executable by the client computing system and that provide an interactive support service process associated with a particular device.

As discussed above, neither Lortz nor Messaros disclose or suggest a process in which a server is coupled via the Internet to a “client computing system”, or that an “interactive support application” is provided to the client computing system, or that the application provides an interactive support service process for a particular device in the client computing system. Accordingly, independent claim 25 is patentable over the combination of these two references. Dependent claims 26-38 are likewise patentable for at least the same reasons.

Fourth, with reference to independent claim 39 and dependent claims 40-52, the combination of Lortz and Messaros does not teach or suggest providing an interactive support service application associated with a particular device to a client computing system via the Internet, nor that the interactive application includes instructions executable by the client computing system provide an interactive support service process that includes automatically determining a current functional state of the selected device and a problem associated with the particular device.

The Examiner appears to agree that Lortz does not teach or suggest downloading an interactive support service application, or that such an application is a diagnostic application that includes instructions executable by a selected device to automatically determine a current functional state of the selected device. (See Office Action, at page 3) As discussed above, Messaros discloses a diagnostic tool, but Messaros’s tool is not an “interactive support service application” provided from a server via the Internet to a electronic device that is part of a “client computing system”, as recited in independent claim 39. Accordingly, independent claim 39 is patentable over the combination of Lortz and Messaros, and dependent claims 40-52 are likewise patentable over this combination for at least the same reasons.

Finally, with reference to all claims, Applicants believe the combination of Lortz and Messaros is improper because there is no extrinsic or intrinsic motivation to combine these two references, and that the Examiner has therefore impermissibly used hindsight to form his claim rejections.

Messaros teaches a remote diagnostic tool for an instrument. The instrument is coupled to a computer system over standard telephone lines, either from a remote location or directly from an on-site location. [Messaros, col. 2, lines 18-21] Lortz teaches providing help information to a network-attached device. Even if the combination of these two references disclosed all elements in Applicants' independent claims, providing help information and using a diagnostic tool are two different things. There is no hint, teaching, or suggestion in either Lortz or Messaros to motivate one skilled in the art to combine their teachings. It is only with the benefit of the presently claimed invention as a "template" that one would consider combining the remote diagnostic tool of Messaros with the help information system of Lortz.

The Examiner argues that Lortz and Messaros may be combined since both are associated with "providing on-line support". (See Office Action, at page 3.) Applicants respectfully dispute that Messaros's system is truly "on-line" under the commonly understood meaning. Nevertheless, Applicants argue that merely providing some sort of network-coupled support function is insufficient to justify combining these references. If this were true, then many other types of network-coupled support functions could be combined. Such a position would encompass unacceptably broad technologies, such as touch tone voice menus accessed via the telephone system network.

The justification must be from the perspective of the time the invention was made. Applicants respectfully believe that the Examiner must provide additional argument to justify combining Lortz and Messaros so as to comply with well-known guidance for rejections under § 103:

- (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
- (2) there must be a reasonable expectation of success; and
- (3) the prior art reference, or references, must teach or suggest all the claim limitations. See e.g., MPEP § 2143.

CONCLUSION

For the reasons given above, the Applicants respectfully submit that the pending claims are in condition for allowance. Applicants request the Examiner reconsider, withdraw the rejections in the final Office Action, and allow all pending claims. If the Examiner has any questions or comments, he is encouraged to call the undersigned at (408) 530-9700 to quickly resolve any issues.

Respectfully submitted,
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Dated: October 6, 2005

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CERTIFICATE OF MAILING (37 CFR § 1.3(a))

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